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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,270	08/22/2003	Rong-Tsun Wu	LPIP121648	9640
26389	7590	10/30/2007	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			FLOOD, MICHELE C.	
1420 FIFTH AVENUE			ART UNIT	PAPER NUMBER
SUITE 2800			1655	
SEATTLE, WA 98101-2347			MAIL DATE	DELIVERY MODE
			10/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10646270	8/22/03	WU, RONG-TSUN	LPIP121648

EXAMINER

Michele Flood

ART UNIT	PAPER
1655	20071025

DATE MAILED:

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Commissioner for Patents

Acknowledgment is made of the receipt and entry of the amendment filed on August 16, 2007 with the cancellation of Claims 1-5 and 7-23, and the addition of newly submitted Claims 24-30. However, Applicant's response cancelling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). Newly amended Claim and newly submitted Claims 24-30 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the subject matter of originally presented Claims 1-4 and 6 was directed to a product-by-process, namely an extract of Polygonum multiflorum Thunb., whereas the subject matter Claim 6 is directed to a method for treating a subject afflicted with a liver disease selected from the group consisting of liver dysfunction, fibrosis and liver cirrhosis, comprising administering to the subject a therapeutic amount of an extract product from the root of Polygonum multiflorum Thunb.

Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, substantially amended Claims 6 and newly submitted Claims 24-30 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Michele Flood
Primary Examiner
Art Unit: 1655

MICHELE FLOOD
PRIMARY EXAMINER